IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 14823 of 2004

Between:

V. Govardhan, S/o V. Nagappa,
Correspondent, Sri Vedya Niketan, Sree Basaveswara English Medium

Upper Primary School, D.No. 8-3-154/A1, 8th Ward, Uravakonda, Anantapur District.

..... PETITIONER

AND

1 The District Collector, Anantapur, Anantapur District.
2 The District Educational Officer, Anantapur, Anantapur District.
3 The Mandal Parishad Development Officer, Uravakonda,

Anantapur District.
4 The Mandal Educational Officer, Uravakonda, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in granting permission for construction of another School building in front of Sree Basaveswara Vidya Niketan English Medium Upper Primary School though it was permitted to establish at Nehru Nagar Colony of Uravakonda, is illegal, arbitrary, in violation of G.O.Ms.No. 1, Education (P.S.2) Department dated 1-1-1994 and in violation of Article 14 of the Constitution of India and consequently direct the respondents not to allow the construction of another School building in front of Sree Basaveswara Vidya Niketan English Medium Upper Primary School, 8th Ward, Uravakonda, Anantapur District.

Counsel for the Petitioner : Mr.N.RANGA REDDY

Counsel for the Respondents: G.P. FOR EDUCATION

The Court made the following :

ORDER:

The petitioner who is a Correspondent of an English Medium Upper Primary School in 8th Ward of Uravakonda, filed the present writ petition stating that the third respondent granted funds for establishment of a School in 7th ward of Uravakonda i.e. at Nehru Nagar Colony for the convenience of students who are residing in Nehru Nagar Colony, but the construction of the said school building had commenced in front of his School, which is contrary to G.O.Ms.No.1, Education (P.S.2) Department dated 1.1.1994. The said G.O. prohibits establishment of another School within 2 k.m. radius from the existing school in the Suburban areas.

In these circumstances, the petitioner complains that the permission granted by the third respondent for establishment of another school in front of petitioner's school, which is in existence for the past more than six years, as illegal, arbitrary and violative of Article 14 of the Constitution of India.

The Government Pleader for Education, on instructions submit that the permission granted by the third respondent is only for establishment of a Telugu Medium School in 7th Ward and the same will not result in unhealthy competition and the same is permissible under G.O.Ms.No.1 dated 1.1.1994. He also submits that Rule 4 of A.P. Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Managements), Rules 1993 issued vide G.O.Ms.No.1 dated 1.1.1994, only prescribes the guidelines to be considered for grant of permission for establishment of new School to avoid unhealthy competition among the Schools including the distance to be maintained between the Schools.

Admittedly, the permission, which is now granted by the third respondent is for establishment of a Telugu Medium School, and such School will not have any affect of unhealthy competition with an English Medium School.

In the circumstances, I see no grounds to entertain the writ petition. The writ

petition is accordingly dismissed. No costs.

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A.GOPAL REDDY, J

Date: 15.9.2004.

DA

To

1 The District Collector, Anantapur, Anantapur District.
2 The District Educational Officer, Anantapur, Anantapur District.
3 The Mandal Parishad Development Officer, Uravakonda,

Anantapur District.
4 The Mandal Educational Officer, Uravakonda, Anantapur District.

5 Two CCs to the G.P. for Education, High Court of A.P.,

Hyderabad (OUT).

6 Two CD copies.